

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ENDURANCE AMERICAN SPECIALTY INSURANCE
COMPANY and HAYDEN BUILDING MAINTENANCE
CORPORATION,

Plaintiffs,

-against-

**REPLY TO
COUNTERCLAIMS**

Civ. No.: 1:13-cv-05538-HB

CENTURY SURETY COMPANY,

Defendants,

400 COLUMBUS, LLC, AHEARN HOLTZMAN, INC.
d/b/a SEABOARD WEATHERPROOFING AND
RESTORATION CO., PINNACLE CONSTRUCTION
AND RENOVATION CORP., ARTUR SLESZYNSKI
and KAROLINA SLESZYNSKI,

Nominal Defendants

Plaintiffs, ENDURANCE AMERICAN SPECIALTY INSURANCE COMPANY and
HAYDEN BUILDING MAINTENANCE CORPORATION (hereinafter referred to as
“Plaintiffs”), by their attorneys, White Fleischer and Fino, LLP, as and for their Reply to the
Counterclaims of Defendant Century Surety Company, herein state the following:

AS AND FOR A FIRST COUNTERCLAIM

1. The plaintiffs admit the allegations contained in paragraph “24”.
2. The plaintiffs admit the allegations contained in paragraph “25”.
3. The plaintiffs neither admit nor deny the allegations contained in paragraph
“26” as the policy speaks for itself.
4. The plaintiffs admit the allegations contained in paragraph “27”.
5. The plaintiffs deny the allegations contained in paragraph “28”.

AS AND FOR A SECOND COUNTERCLAIM

6. The plaintiffs deny having knowledge and/or information sufficient to form a belief as to the truth of the allegations contained in paragraph “29”.

7. The plaintiffs neither admit nor deny the allegations contained in paragraph “30” as the policy speaks for itself.

8. The plaintiffs deny the allegations contained in paragraph “31”.

AS AND FOR A THIRD COUNTERCLAIM

9. The plaintiffs deny having knowledge and/or information sufficient to form a belief as to the truth of the allegations contained in paragraph “32”.

10. The plaintiffs deny having knowledge and/or information sufficient to form a belief as to the truth of the allegations contained in paragraph “33”.

11. The plaintiffs neither admit nor deny the allegations contained in paragraph “34” as the policy speaks for itself.

12. The plaintiffs deny the allegations contained in paragraph “35”.

AS AND FOR A FOURTH COUNTERCLAIM

13. The plaintiffs deny the allegations contained in paragraph “36”.

14. The plaintiffs neither admit nor deny the allegations contained in paragraph “37” as the policy speaks for itself.

15. The plaintiffs deny the allegations contained in paragraph “38”.

16. The plaintiffs deny the allegations contained in paragraph “39”.

AS AND FOR A FIFTH COUNTERCLAIM

17. The plaintiffs deny the allegations contained in paragraph "40."

JURY DEMAND

Plaintiffs, ENDURANCE AMERICAN SPECIALTY INSURANCE COMPANY and HAYDEN BUILDING MAINTENANCE CORPORATION, hereby demand a trial by jury on all issues herein.

WHEREFORE, Plaintiffs ENDURANCE AMERICAN SPECIALTY INSURANCE COMPANY and HAYDEN BUILDING MAINTENANCE CORPORATION demand judgment dismissing the Counterclaims against them in their entirety and with prejudice, together with the costs and disbursements of this action.

Dated: September 6, 2013
New York, NY

Respectfully Submitted,

WHITE FLEISCHNER & FINO



SHARON MORELAND

Counsel for Plaintiffs,
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A handwritten signature in blue ink, appearing to read 'Jennifer Mindlin', is written over a horizontal line.

JENNIFER MINDLIN
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